**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.M.JOSEPH**

**MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929**

**WP(C).No. 31350 of 2007(F)**
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**PETITIONER:**
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**K.S.JOY, S/O SKARIA AGED 65 YEARS**
**KAITHAPPILLIL RAMAMANGALAM**
**TRUSTEE ST.MARY'S KNANAYA MALANKARA**
**CATHOLIC CHURCH RAMAMANGALAM**
**ERNAKULAM DISTRICT**

**BY ADV. SRI.PAUL K.VARGHESE**

**RESPONDENTS:**
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1. **THE STATE OF KERALA REP. BY SECRETARY**
   **(EXCISE) DEPARTMENT**
   **GOVT. SECRETARIATE, TRIVANDRUM**

2. **THE EXCISE COMMISSIONER**
   **THIRUVANANTHAPURAM**

3. **THE ASST. EXCISE COMMISSIONER**
   **EXCISE OFFICE, KACHERIPAPADY**
   **ERNAKULAM**

4. **THE MANAGING DIRECTOR**
   **KERALA STATE BEVERAGE CORPORATION**
   **SASTHAMANGALAM**
   **THIRUVANANTHAPURAM**

5. **RAMAMANGALAM GRAMA**
   **RAMAMANGALAM**
   **NEAR MUVATTUPUZHA REP. BY ITS**
   **SECRETARY**

6. **SRI.ALEXANDER .K.JOHN**
   **KAPPILAMOOTTIL ( HOUSE)**
   **RAMAMANGALAM P.O.**
   **NEAR MUVATTUPUZHA**

**BY GOVT. PLEADER SMT.ANU SIVARAMAN FOR R1 TO R4**
**ADV.SRI.MILLU DANDAPANI FOR R5**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/10/2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**K.M.JOSEPH, J.**

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**W.P.(c).No.31350 OF 2007**

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Dated this the 22nd day of October , 2007

**JUDGMENT**

Petitioner has approached this court with the following brief allegations.

Petitioner is the resident of Ramamangalam kara. According to the petitioner, there is a church. It is a parish church started in year 1965. It is stated that there are other buildings also. Case of the petitioner essentially is that the distance between the church and the shop of the 7th respondent wherein the 5th respondent is going to be given a licence to conduct liquor shop is less than 150 metres from the church. It is stated to be therefore illegal.

2. I heard learned counsel for the 5th respondent and also the learned Government Pleader. Petitioner has along with others given Ext.P1 complaint. Ext.P2 is the complaint filed by the vicar of the church. There cannot be any dispute that it may not be open to the 5th respondent to run a foreign liquor shop in a building which is located within the prohibited distance.

In such circumstances, it is necessary that the authorities consider the complaint of the petitioner that the shop of the 7th respondent wherein the 5th respondent is going to be given a licence to conduct liquor shop is less than 150 metres from the church. The writ petition is disposed of directing the third respondent to consider whether the shop of the 7th respondent which is referred to in Ext.P1 is located within the prohibited distance as per the Rules and take a decision in the matter with notice to the petitioner, 5th respondent and also the 7th respondent. The proceedings shall be completed as early as possible and at any rate within a period of three weeks from the date of receipt of a copy of this judgment.

**(K.M.JOSEPH, JUDGE)**

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